

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SHERMAN

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. 4:07CR159-1
	§	
JOSEPH M. GERMAN	§	

**MOTION FOR REDUCTION OF SENTENCE PURSUANT
TO 18 U.S.C. § 3582(c)(2)**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS:

COMES NOW Defendant JOSEPH M. GERMAN, by and through defendant's undersigned
attorney, and files this, the defendant's *Motion for Reduction of Sentence Pursuant to 18 U.S.C. §*
3582(c)(2), and would show this Honorable Court as follows, to-wit:

I.

RELIEF REQUESTED

Defendant GERMAN's original guideline range was 210 months to 262 months, based on
a total offense level of 34, and a criminal history category IV. On MAY 29, 2009, Defendant
GERMAN was sentenced to 210 months imprisonment. Defendant GERMAN's sentence was
modified on AUGUST 29, 2011 to 174 months.

With the application of the 2014 retroactive guideline amendment, Defendant GERMAN's
total offence level would be 32, and the guideline range would be 168 months to 210 months.

Defendant GERMAN moves under 18 U.S.C. § 3582(c)(2) for an order reducing the
defendant's term of imprisonment from 174 months to 139 months, based on the retroactive
amendment to the sentencing guidelines.

Defendant GERMAN's current proposed release date is MAY 1, 2021.

II.

JURISDICTION

This Court has jurisdiction to modify the defendant's sentence now under the plain language of 18 U.S.C. §3582(c)(2) which provides:

In the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant, the director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

The predicate conditions conferring jurisdiction are met in this case. Defendant GERMAN was sentenced based on a sentencing range that was subsequently lowered by the Sentencing Commission on November 1, 2014. *See* U.S.S.G. App. C, Amend. 782. The Sentencing Commission promulgated a policy statement making the reduction retroactive. Amendment 782 becomes effective November 1, 2014. *See* U.S.S.G § 1 B 1.10. Defendant GERMAN acknowledges that pursuant to the special instructions at section 1B1.10(e) the effective date of any order reducing the term of imprisonment will not be effective until November 1, 2015.

III.

CONFERENCE

The undersigned counsel has conferred with the United States Attorney's Office, and they intend to file a written response.

IV.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that this Honorable Court grant the *Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)* and reduce the Defendant's sentence to 139 months.

Respectfully submitted,

/s/ Wayne R. Dickey

WAYNE R. DICKEY

Assistant Federal Defender

Eastern District of Texas

110 N. College Ste. 1122

Tyler, Texas 75702

(903) 531-9233

FAX: (903) 531-9625

Texas Bar Number: 05832020

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 9TH day of APRIL 2015, a true and correct copy of the foregoing Defendant's MOTION TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2) was sent via CM/ECF:

United States Attorney
110 N. College, Suite 700
Tyler, Texas 75702

/s/ Wayne R. Dickey

Attorney for Defendant